

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6933

BILL NUMBER: SB 311

DATE PREPARED: Dec 18, 1998

BILL AMENDED:

SUBJECT: Paternity and adoption procedures.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides for the following requirements in paternity actions in which an adoption is pending: (1) Requires the court to conduct an initial hearing not more than 30 days after the filing of the paternity petition or the birth of the child, whichever occurs later. (2) Requires the court to order blood or genetic testing at the initial hearing, and requires the court to order the state department of health to pay for the testing under certain circumstances. (3) Requires the court to conduct a final hearing to determine paternity not later than 90 days after the initial hearing. (4) Requires the court to issue its ruling in the paternity action not more than 14 days after the final hearing.

This bill provides that a licensed child placing agency or an attorney in an adoption shall submit to the court an affidavit setting forth the circumstances surrounding service of prebirth actual notice to a putative father, regardless of who served the notice. The bill requires a court to enter a default judgment against and terminate the parental rights of a parent who fails to appear at the termination hearing after being located and served with notice of the hearing. The bill repeals certain provisions governing unreasonable delay in paternity actions when an adoption is pending. It makes conforming amendments.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill requires the State Department of Health (SDOH) to pay for a blood or genetic test ordered by a court if an individual cannot pay for the test. It is estimated that the cost for a blood test is \$18. The bill allows the SDOH to pay for the test using funds in the Putative Father Registry. The bill also gives the SDOH the authority to recover the cost of the test from an individual found to be the biological father. There was \$122,240 collected in the past fiscal year in the Putative Father Registry. The Putative Father Registry is used to locate the name and address of an individual who may have conceived a child for whom a petition for adoption has been filed.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill changes the time frame in which an initial hearing to establish a child's paternity when an adoption petition is pending, from a "reasonable" period to not more than 30 days after the paternity petition is filed or the child is born, whichever occurs later. In order to meet this requirement, courts will have to rearrange their court dockets, and process cases faster. Depending upon the number of petitions, passage of this bill could increase the number of hearings that the courts would have to schedule within a short period of time. The greatest impact on caseload scheduling will be on courts in jurisdictions that have a large number of adoption petitions pending due to paternity actions.

Explanation of Local Revenues:

State Agencies Affected: State Department of Health.

Local Agencies Affected: Courts.

Information Sources: Renee Miller, State Budget Agency.